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# The Acts

Respecting

# SEPARATE SCHOOLS

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## CHAPTER 294.

### An Act respecting Separate Schools.

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HER MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of On-  
tario, enacts as follows:

1. This Act may be cited as *The Separate Schools Act*. Short title.  
R. S. O. 1887, c. 227, s. 1.

#### PROTESTANT AND COLOURED SEPARATE SCHOOLS.

2.—(1) Upon the application in writing of five or more  
heads of families resident in any township, city, town or  
incorporated village, being Protestants, the municipal  
Conditions or which separate  
schools for  
Protestants











and coloured  
people may be  
established.

council of the said township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for Protestants; and upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for coloured people, and in every such case, such council or board, as the case may be, shall prescribe the limits of the section or sections of such schools.

Restriction.

(2) No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house for such separate school. R. S. O. 1887, c. 227, s. 2.

Election of  
trustees.

3. There shall be three trustees for each separate school and the first meeting for the election of such trustees shall be held and conducted in the manner and according to section 27 of this Act. R. S. O. 1887, c. 227, s. 3.

Commence-  
ment and  
regulations.

4. On the twenty-fifth day of December next following the date of the application mentioned in section 2 of this Act, each such separate school shall go into operation, and shall, with respect to the persons for whom such school has been established, be under the same regulations as public schools generally. R. S. O. 1887, c. 227, s. 4.

Voters defined.

5. None but coloured people shall vote at the election of trustees of any separate school established for coloured people, and none but the persons petitioning for the establishment of, or sending children to, a Protestant separate school shall vote at the election of trustees of such school. R. S. O. 1887, c. 227, s. 5.

Union of  
wards in cities  
and towns.

6. In any city or town the persons who make application, according to the provisions of section 2 of this Act, may have a separate school in each ward, or in two or more wards united, as the said persons may judge expedient. R. S. O. 1887, c. 227, s. 6.

Special condi-  
tions.

7. No Protestant separate school shall be allowed in any school section, except when the teacher of the public school in such section is a Roman Catholic. R. S. O. 1887, c. 227, s. 7.

Exemption  
from public  
School rates.

8. In all cities, towns, incorporated villages and township public school sections in which separate schools exist every Protestant or coloured person (as the case may be)









sending children to such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have been rated in order to obtain the annual legislative public school grant, shall be exempt from the payment of all rates imposed for the support of the public schools of such city, town, incorporated village and school section respectively and of all rates imposed for the purpose of obtaining the public school grant. R. S. O. 1887, c. 227, s. 8.

9. The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such separate school; nor shall the exemption extend to school rates or taxes imposed or to be imposed to pay for school houses, the erection of which was undertaken or entered into before the establishment of such separate school. R. S. O. 1887, c. 227, s. 9. Exemption conditional.

10. Separate schools shall not share in school money raised by local municipal assessment for public school purposes. R. S. O. 1887, c. 227, s. 10. Not to share in assessment.

11. Every separate school shall share in such legislative public school grant according to the yearly average number of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the mean attendance of pupils for winter and summer being taken. R. S. O. 1887, c. 227, s. 11. Share of legislative school grant determined.

12. The trustees of every separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a correct return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in the separate school during such period. R. S. O. 1887, c. 227, s. 12. Half-yearly returns to the inspector.

13. The county inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established, stating the names of all persons who, being Protestants or coloured persons (as the case may be), contribute or send children to the separate school. R. S. O. 1887, c. 227, s. 13. Inspector to report to clerk.









Clerks and trustees to exempt from rates supporters of separate schools.

14. Except for any rate for building school-houses undertaken before the establishment of such separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls, any person whose name appears upon the last mentioned return. R. S. O. 1887, c. 227, s. 14.

Clerk to allow use of assessor's roll.

15. The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the said municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section. R. S. O. 1887, c. 227, s. 15.

Application of ss. 28-35 and 37-41.

16. The provisions of sections 28 to 35 and 37 to 41 inclusive of this Act, shall apply to the trustees and teachers of such separate schools. R. S. O. 1887, c. 227, s. 16.

Separate school trustees to have same power as public school trustees.

17. The trustees of every separate school shall be a body corporate under the name of "The Trustees of the Protestant or Coloured Separate School of (as the case may be), in the Township (City or Town, as the case may be) of , and shall have such power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the separate school as are provided in section 55 of this Act. R. S. O. 1887, c. 227, s. 17.

#### ROMAN CATHOLIC SEPARATE SCHOOLS.

Application of following part of Act,

18. The sections and provisions hereinafter in this Act contained are enacted in respect of separate schools for Roman Catholics, whether now or hereafter established. R. S. O. 1887, c. 227, s. 18.

Interpretation.

19. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears;

1. "Rural school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a township;

2. "Urban school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a city, town or incorporated village;

3. "Separate school" shall signify and mean a separate school for Roman Catholics now or hereafter established. R. S. O. 1887, c. 227, s. 19.

*in a municipality as provided*







October 2nd

The main  
number

from the  
original  
book



20. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in ~~the several wards of any city or town, or incorporated village~~, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town, or Incorporated Village) of \_\_\_\_\_" R.S.O. 1887, c. 227, s. 20.

Union of wards in towns or cities.

21. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within any school section of any township, incorporated village, ~~or town, or within any ward of any city or town~~, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. R. S. O. 1887, c. 227, s. 21.

Five heads of families being Roman Catholics may call a meeting to establish a separate school.

22. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section to act as trustees for the management of such separate school. R. S. O. 1887, c. 227, s. 22.

Election of separate school trustees.

23. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which the school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to indorse thereon the date of the receipt thereof, and to deliver a copy of the same so indorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so indorsed and certified, then from the day of the delivery of the notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number \_\_\_\_\_, in the Township of \_\_\_\_\_, or for the ward of \_\_\_\_\_, in the City or Town (as the case may be), or for the Village of \_\_\_\_\_ in the County of \_\_\_\_\_" R. S. O. 1887, c. 227, s. 23.

Written notice of such meeting to be given; and to whom and in what manner.

Corporate name of trustees.







In unorganized townships

and. In any portion of the Province not surveyed into townships, any number of heads of families not less than ten who are Roman Catholics may at a public meeting called for that purpose, elect three of their number to serve as school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of *The Separate Schools Act*.

2. On receipt of notice by the Education Department signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public and separate schools such sum of money for maintenance as may be approved by the Lieutenant-Governor-in-Council.

3. The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the supporters of their school, or the sums which the inhabitants or others may have subscribed or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as may be required by the trustees.

4. Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner as a township collector in collecting rates in the township, as provided in *The Municipal and Assessment Acts* from time to time in force.









## RURAL SEPARATE SCHOOLS.

Trustees' term  
of office.

24. For every rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O. 1887, c. 227, s. 24.

Trustees'  
qualification.

25. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not. R. S. O. 1887, c. 227, s. 25.

Electors, quali-  
fication of.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. R. S. O. 1887, c. 227, s. 26.

As to time and  
mode of elec-  
tions.

27. The trustees of every rural school shall hold office and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say:

Annual meet-  
ing, when  
held.

1. A meeting of the supporters of the rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

Meetings to be  
called in de-  
fault of first or  
annual meet-  
ings.

2. In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of a separate school may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Order of  
business.

3. The supporters of the separate school present at the meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as may be required of him by this Act.

4. The business of the meeting may be conducted in the following order: receiving the annual report of the







June 2nd

afternoon  
Dinner  
very good  
the table  
beautiful

trustees, and disposing of the same; receiving the annual report of the auditor or auditors, and disposing of the same; electing an auditor for the current year; miscellaneous business; electing a trustee or trustees to fill any vacancy or vacancies.

5. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting.

Chairman,  
duties of,

6. Where a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of the rural school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name with the residence of such supporter.

Proceedings in  
case of a poll.

7. In case a poll is demanded upon a rural school question by any two supporters, the name of each supporter shall be ~~similarly~~ placed in separate columns marked "for" or "against."

Entries in  
poll book.

8. In case any objection is made to the right of a person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation:

When voter is  
objected to.

I, A. B., do declare and affirm

Declaration.

(a) that I am an assessed householder or freeholder in Separate School Section No —;

(b) That I am of the full age of 21 years;

(c) That I am a supporter of the Roman Catholic Separate School in said School Section No. —;

(d) That as such supporter I have the right to vote at this meeting of the supporters of such school;

whereupon the person making such declaration shall be entitled to vote.

9. The poll at any such election of a separate school trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close

When poll  
shall close.









at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced.

Term for vacancies.

10. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees may resign.

11. A trustee may resign with the consent, expressed in writing, of his colleagues in office.

Re-election of any trustees lawful.

12. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Term of office of each trustee.

13. The trustees elected at a first rural school meeting shall respectively continue in office as follows:

First.

(a) The first person elected shall continue in office for two years, to be reckoned from the annual school meetings next after his election, and thence until his successor has been elected;

Second.

(b) The second person elected shall continue in office for one year, to be reckoned from the same period and until his successor has been elected;

Third.

(c) The third, or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected.

Copy of minutes to be sent to Education Department.

14. A correct copy of the minutes of a first and of every annual and of every special school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. R. S. O. 1887, c. 227, s. 27.

#### *Duties of Trustees.*

Powers and duties of trustees.

28. The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say:

Constitution of board

1. Every board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer.

(a) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees; and such security shall be deposited with the chairman of the board of separate school trustees.

Secretary-treasurer, duties of.

2. It shall be the duty of the secretary-treasurer:

(a) To keep a full and correct record of the proceedings of every meeting of the board in the min-









ute book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee;

- (b) To receive all school moneys collected from the supporters of such school, and to account for the same;
- (c) To disburse all moneys in the manner directed by a majority of the trustees;
- (d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation;
- (e) To call at the request in writing of two trustees a special meeting of the board of trustees.

3. Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences.

Notices of meetings, how given.

4. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present.

Corporate acts must be adopted at lawful trustee meetings.

5. Every board of rural school trustees shall annually on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment.

Appointment of auditor.

6. It shall be the duty of the trustees or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

Information to be given to auditors.

7. The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (a) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; (b) for the selection of a new school site; (c) the appointment of a school auditor; or

Meetings to be appointed by the trustees.  
Filling vacancies.







Notice. (d) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighborhood in which the school is situate at least six days before the time of holding such meeting.

Adequate accommodation.

8. The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years belonging to the supporters of their school.

Apply to municipality for school moneys.

9. Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school.

Arrange payment of salaries.

10. The trustees shall arrange for the payment of teachers' salaries quarterly, and, if necessary, borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected.

Repairing, etc., school house.

11. The trustees shall keep the school-house, furniture, outbuildings, and enclosures in proper repair, and where there is no suitable school-house or where two or more school-houses are required build or rent a house or houses and keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair.

Names and addresses of trustees and teachers to be sent to Education Department.

12. The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and give reasonable notice in writing, from time to time, of any changes therein.

Exempt indigent persons.

13. The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is collected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August.

Dismissal of refractory pupils.

14. The trustees may dismiss from the school any pupil who is adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, remove such pupil to an industrial school.









15. Every board of trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, land, movable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal and apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

Custody of school property.

Sale of school site or other property.

16. Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department.

Visiting schools.

17. The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of the school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors.

Report at annual meeting.

18. The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June and 31st day of December, respectively, and the annual return on or before the 15th day of January, in each year, according to the form prescribed by the Education Department. R. S. O. 1887, c. 227, s. 28.

Annual and semi-annual returns.

29. —(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form the sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and every separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 27 of this Act.

Notice for union of school sections.

Union formed.









Corporate  
name of trust-  
tees for union.

(2) The said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be)." R. S. O. 1887, c. 227, s. 29.

29a.—(1) The trustees of every rural school shall have power to select a site for a new school house or to agree upon a change of site for an existing schoolhouse and shall forthwith call a special meeting of the supporters of the school to consider the site selected by them; and no site shall be adopted or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting.

(2) In case a majority of the supporters present at such special meeting differ as to the suitability of the site selected by the trustees each party shall then and there choose an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, any person appointed by him to act in his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof.

2.—Section one of the Act passed at the second session held in the 62nd year of the reign of Her Late Majesty Queen Victoria, chaptered 37, and intituled *An Act to amend The Separate Schools Act*, is amended by prefixing

29b.—(1) In case a separate school has heretofore been established in a public school section which includes an urban municipality, or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the separate school trustees of such separate school to notify the Inspector of separate schools that the separate school supporters in such township or portion of a township, are desirous of establishing a separate school therein, the Inspector of separate schools may signify in writing to the said separate school trustee his approval of the establishment of such separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Act.







(2) The Inspector of separate schools and two other persons, one of whom shall be chosen by the separate school trustees of such urban municipality and the other by the separate school trustees of the separate school so established in such township or portion of a township shall constitute a board of arbitrators, who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school section shall belong to, be paid to or be borne by the separate school trustees of such urban municipality, and the trustees of such rural separate school respectively, and shall adjust all matters consequent upon such separation and the award of such arbitrators shall be final and binding. Arbitration.

(3) Nothing in this section contained shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. Property liable for debentures.

#### SEPARATE SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

30. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

1. For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

Trustees in city, etc., divided into wards.

2. One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire.

3. In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

Trustees in villages not divided into wards.

4. Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire.

Term of office.

5. Every trustee shall continue in office until his successor has been elected. R. S. O. 1887, c. 227, s. 30.

Provisions for elections of trustees of urban schools.

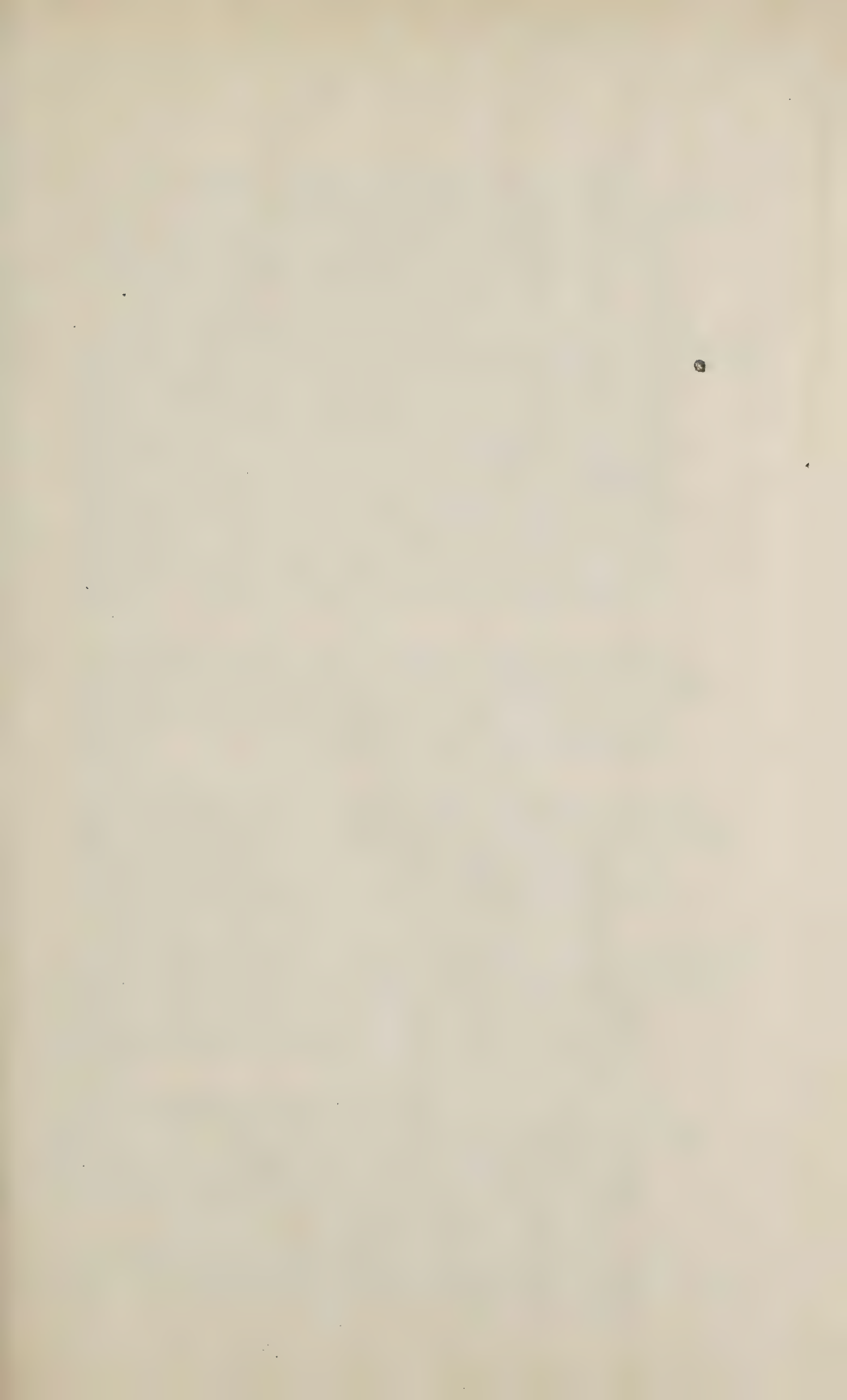
31. The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban school trustees, shall conform to and be subject to the following provisions:

Nominations.

1. A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following at such place as shall from time to time be fixed by resolution of the separate school board and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit.









2. The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days' notice of the meeting. Returning officer.
3. If at the meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if the two or more candidates are proposed for any one office, and a poll in respect of such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place, or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees. Proceedings at nominations.
4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and a poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. Hours of polling.
5. The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof. Place for nomination and election.
6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer. Duty of returning officer after close of election.
7. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes. Duty of secretary.
8. In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last re- Casting vote.









vised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Judge of  
County Court  
to receive and  
investigate  
complaints.

9. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board, in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or declare that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board.

Vacancy in  
office of  
trustees.

10. In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustee shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at  
new election.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. R. S. O. 1887, c. 227, s. 31 (1-11).

Voting to be  
open.

12. The voting for the election of trustees and for all other urban school purposes, shall be by open vote save and except as otherwise provided by section 32 of this Act." R. S. O. 1887, c. 227, s. 31 (12). 57 V. c. 59. s. 1.

In cities and  
towns divided  
into wards,  
clerk of municipality to furnish voters' list to school board.

13. In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, "the voters' list" for each ward of such municipality, annexing thereto a list of the names of persons being supporters of







separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list."

14. In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, "the voters' list" for each polling subdivision in case of such town or village, as provided by the last preceding subsection.

In towns not divided into wards, and in villages, clerk to furnish voters' list to school board.

15. The urban school board shall provide every polling place with the list aforesaid, and also with a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column in which is entered the name of the candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked "for" or "against."

Certified copy of list and a poll book to be provided for each polling place.

Entries in poll book.

16. In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in subsection 8 of section 27 of this Act.

Declaration by voters.

17. It shall be the duty of the board to call and give notice of annual and special school meetings or urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act.

Trustees to give notice of annual and special meetings.

18. When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence.

Where persons residing out of municipality to vote.

19. The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees.

Election of trustees, when to become void.









President at first meeting.

20. At the first meeting in each year of every urban school board, the secretary of the board shall preside, or, if there be no secretary, the members present shall elect one of themselves to preside at the election of chairman and the member so selected to preside may vote as a member.

Casting vote.

21. In case of an equality of votes at the election of chairman of such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Meetings of board.

22. Subsequent meetings of the board shall be held at such times and places as may from time to time, be fixed by resolution of the board.

Presiding officer of board.

23. The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and the chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Quorum of school boards, etc.

24. A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of the quorum shall be valid to bind the corporation. R. S. O. 1887, c. 227, s. 31 (13-23).

Adoption of ballot.

32.—(1) The board of separate school trustees of any city, town, or incorporated village may, by resolution, to be passed between the first day of May and the first day of October in any year, require the election of members of the board for such city, town or incorporated village to be held by ballot on the same day as municipal councillors. Any such board of separate school trustees may in like manner discontinue the use of the ballot in such election, and thereafter elections for the purposes of this Act shall be conducted as provided in section 31 of this Act.

Ballot not to be discontinued for three years after the change.

(2) Where any such board of separate school trustees require the polling at elections to be held by ballot as aforesaid and elections are so held, no change shall be made in the mode of voting at such elections for a period of three years, and should the mode of voting at such elections by ballot be discontinued at any time, then the provisions of section 31 of this Act shall apply for a period of three years at least after such discontinuance;

Mode of conducting elections by ballot.

(3) In every case in which the polling at an election of separate school trustees is, by resolution, as aforesaid, required to be by ballot, the votes shall be given by ballot, and the provisions of this section shall apply to such election.







*Ballot Boxes.*

- (4)—(a) Where at any such election a poll is required, the secretary-treasurer of the urban school board shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are polling places fixed by the board in respect of such election. Ballot boxes to be furnished.
- (b) The ballot boxes shall be made of some durable material, shall be provided with a lock and key and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box is unlocked. How made.
- (c) When it becomes necessary for the purpose of an election to use the ballot boxes, it shall be the duty of said secretary-treasurer, two days at least before the polling day, to deliver one of the ballot boxes to every returning officer appointed for the purposes of the election. Delivery of to returning officers.
- (d) The ballot boxes, when returned to the secretary-treasurer after the election, shall be preserved by him for use at future elections; and it shall be the duty of the secretary-treasurer to have ready for use, at all times, as many ballot boxes as there are wards in the municipality. Secretary-treasurer to preserve boxes for future elections.
- (e) If the secretary-treasurer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in manner prescribed. Penalty on failure to furnish boxes.
- (f) It shall be the duty of every returning officer not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the secretary-treasurer of the school board for the cost of the ballot box, and the secretary-treasurer shall pay to the returning officer the amount of the order. Returning officer to procure boxes when not supplied.

*Ballot Papers.*

- (5)—(a) Where a poll is required, the said secretary-treasurer shall forthwith cause to be printed, at the expense of the urban school board, such a number of ballot papers as will be sufficient for the purposes of the election. Ballot papers to be printed.
- (b) Every ballot paper shall contain the names of the duly nominated candidates, arranged al- Contents and form of ballot papers.









phabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names.

Form of ballot papers.

(6) The ballot papers shall be in the form given in Schedule A to this Act.

### *Polling Places.*

Secretary-treasurer to furnish returning officers with ballot papers, etc.

(7) The said secretary-treasurer shall, before the opening of the poll, deliver or cause to be delivered to every returning officer the ballot papers which have been prepared for use in the polling place for which such returning officer has been appointed to act, and shall also furnish to the returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the returning officer for the convenient use of voters.

Compartment wherein voters may mark votes.

(8) Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the returning officer to see that a proper compartment for that purpose is provided at each polling place.

Delivery of copies of voters' list poll book to returning officers.

(9) The said secretary-treasurer shall, before the poll is opened, deliver to the returning officer for every polling place, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling place, together with a blank poll book according to the form given in Schedule B to this Act.

Returning officer to show box empty to persons present and then lock and seal it.

(10) The returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Proceedings by returning officer on tender of vote.

(11) Where a person claiming to be entitled to vote presents himself for the purpose of voting, the returning officer shall proceed as follows:

Name.

(a) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the polling place for which such returning officer is appointed to act.

Recording.

(b) He shall record or cause to be recorded in the proper columns of the poll book the name, qualification, residence and legal addition of such person.









(c) If such person takes the oath or affirmation required to be taken by voters in the manner hereinafter directed by this section the returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact. Oath.

(d) Where the vote is objected to by any candidate or his agent, the returning officer shall enter the objection, or cause the same to be entered in the poll book, by writing opposite the name of such person in the proper column, the words "*Objected to*," stating at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to*," the name only of such candidate. Objection.

(e) Where such person has been required to take oath or affirmation, and refuses to take the same, the returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book the words "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200. Refusal to take the oath.

(f) Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the returning officer shall place or cause to be placed a check or mark opposite to the name of the voter in the certified voters' list to indicate that the name of such person has been entered in the poll book and the person allowed to vote, and shall then sign his name or initials on the back of the ballot paper. Returning officer to mark ballot paper and voters' list.

(g) The ballot paper shall be delivered to such person. Delivery of paper to voter.

(h) The returning officer may, and upon request shall, explain to the voter, as concisely as possible, the mode of voting. Returning officer to explain mode of voting.

(12) Every returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as hereinbefore provided for shall forfeit to any person aggrieved by such refusal, or omission, the sum of \$10, in respect of every ballot paper deposited at his polling place upon which the said returning officer has not signed Returning officer refusing, etc., to initial ballot paper.







his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by this Act.

Marking ballot paper.

(13) Upon receiving from the returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper by placing a cross, thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper and so as to expose the initials of the returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one, or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

Exclusion from balloting compartment.

(14) While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Voter not to take his ballot paper from polling place.

(15) No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the returning officer shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and the returning officer shall return the said ballot paper to the said secretary-treasurer, as hereinafter directed.

Proceedings in case of incapacity to mark ballot paper.

(16) In case of an application by a person claiming to be entitled to a vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes









a declaration that he is unable to read, the proceedings shall be as follows:

- (a) The returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.
- (b) The returning officer shall state, or cause to be stated, in the poll book, by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this subsection, and the reason why it is so marked.
- (c) The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form given in Schedule C to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the returning officer, who shall attest the same as nearly as may be according to the form given in Schedule D to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting.

(17) A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and the returning officer shall return the ballot paper to the said secretary-treasurer as hereinafter directed.

Proceedings in case ballot paper cannot be used.

(18) During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks or agents authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the returning officer, be obstructing the polling, or wilfully violating the provisions of this Act.

Who may be present at polling place.







Counting the  
votes.

(19) Immediately after the close of the poll in every polling place, the returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

Rejected  
ballots.

(a) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the returning officer, or on which more votes are given than the voter is entitled to give, or on which anything, except the initials or name of the returning officer on the back, is written or marked, by which the voter can be identified, shall be void and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office.

Returning  
officer to note  
objections.

(b) The returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Numbering  
objections and  
ballot paper.

(c) Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the returning officer.

Indorsing  
ballot paper.

(d) The returning officer shall indorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall indorse "*Rejection objected to,*" if any objection is made to his decision.

Statement.

(e) The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads of (1) the name or number of polling place and of the municipality and the date of election; (2) number of votes for each candidate; and (3) rejected ballot papers.

Statement to  
be signed.

(f) Upon the completion of the written statement, it shall be forthwith signed by the returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement.









(20) No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. Agents entitled to be present.

(21) Every returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers. Receiving officer to give certificate of state of poll.

(22)—(a) Every returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet the date of the day of the election, the name of the returning officer, and of the polling place and municipality: (1) the statement of votes given for each candidate and of the rejected ballot papers; (2) the used ballot papers which have not been objected to and have been counted; (3) the ballot papers which have been objected to, but which have been counted by the returning officer; (4) the rejected ballot papers; (5) the spoiled ballot papers; (6) the unused ballot papers; and (7) a statement of the number of voters whose votes are marked by the returning officer under the heads "Physical incapacity" and "Unable to read," with the declarations of inability, and the notes taken of objections made to ballot papers found in the ballot box. Returning officer's duties after votes are counted.

(b) Before returning the voters' list to the secretary-treasurer the returning officer shall make and subscribe before a Justice of the Peace, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule E to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in the presence of said secretary-treasurer, by any elector entitled to vote at said election; Declaration by returning officer as to use of voters' list.







Packets of ballot papers, etc., to be delivered to the secretary-treasurer.

- (c) The returning officer shall forthwith deliver such packets personally to the said secretary-treasurer, and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the said secretary-treasurer; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the said secretary-treasurer.

Statement to be made by returning officer on return of ballot papers, etc.

- (d) The packets shall be accompanied by a statement made by the returning officer, shewing the number of ballot papers entrusted to him and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining the vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as the "Ballot Paper Account;"

Disputes, how settled.

- (e) If the returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the returning officer, the packages of ballot papers shall be broken open by the said secretary-treasurer in the presence of the returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the returning officer; and said secretary-treasurer, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the said secretary-treasurer shall forthwith, in the presence of the returning officer and such of the candidates or of their agents as may then be present securely seal up the ballot papers which have been examined by him into their several packages as before.

Secretary-treasurer to cast up votes and declare who is elected, etc.

- (23) The said secretary-treasurer, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such state-









ments; and shall declare to be elected the candidate or candidates having the highest number of votes, and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purpose.

(24) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll, shall, at the time of declaring the result of the poll, give a vote for one or more of such candidates so as to decide the election. In case of a tie who to have a casting vote.

(25) The said secretary-treasurer shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the chairman of the board, and shall be filed amongst the records of the board by said secretary-treasurer. Ballot papers, how disposed of.

(26)—(a) No person shall be allowed to inspect any ballot papers in the custody of the said secretary-treasurer except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offense in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary-treasurer. Ballot papers to be inspected only by order of a Court or Judge.

(b) The order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the Court or Judge making the order thinks expedient. Order may be subject to conditions.

(c) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county or district in which the election has been held, at any time within fourteen days from the time the ballot papers are received by the said secretary-treasurer, that a returning officer at any such election in counting the votes has improperly counted or rejected any ballot papers at such election, the County or other Judge may appoint a time to recount the votes, Recount of votes by the County Judge.









and shall give notice in writing to the candidates of the time and place at which he will proceed to count the same.

Deposit by  
applicant.

- (d) At the time of the application for a recount, the applicant shall deposit with the clerk of the County or District Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge.

Who may be  
present at  
recount.

- (e) The County or District Judge, the said secretary-treasurer with the ballot boxes, and each candidate and his agent appointed to attend the recount of votes, and no other person except with the sanction of the County or other Judge shall be present at the recount of the votes.

Opening of  
packets.

- (f) At the time and place appointed the County or other Judge shall proceed to recount all the votes or ballot papers received by the said secretary-treasurer, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the returning officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; (e) the unused ballot papers; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Recount to be  
a continuous  
proceeding.

- (g) The County or other Judge shall, as far as practicable, proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays, and, on other days (except so far as he and the parties aforesaid agree, the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County or other Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such others of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

Procedure on  
recount.

- (h) The County or other Judge shall proceed to recount the votes as follows:

Firstly.—He shall examine the ballot papers.







Secondly.—Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the returning officer on the back is written or marked by which the voter can be identified shall be void and shall not be counted; and a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but no word or mark written or made, or omitted to be written or made by the returning officer on a ballot paper, shall void the same.

Thirdly.—The County or other Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County or other Judge shall be final.

Fourthly.—The County or other Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement in words as well as in figures of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following: (1) name of municipality; (2) names of the candidates; (3) number of votes for each candidate; (4) papers wanting signature or initials of returning officer; (5) papers rejected as voting for more candidates than entitled to; (6) papers rejected as having a writing or mark by which voters could be identified; (7) papers rejected as unmarked or void for uncertainty.

Fifthly.—Upon the completion of the recount, or as soon as he has thus ascertained the result of the poll, the County or other Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the said secretary-treasurer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the casting vote shall be given by the person designated in, and as provided by subsection 24 of this section.

(27) Nothing in this section contained shall destroy or prevent any remedy which any person may now have under Existing remedies not affected. or by *quo warranto* or otherwise.









Costs of  
application.

(28)—(a) All costs, charges and expenses of, and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may be in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of  
costs.

(b) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court, or District Court, as the case may be.

Recovery of  
costs.

(c) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from the County Court, or District Court, as the case may be, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

Production of  
documents  
and indorse-  
ments on  
ballot papers  
evidence for  
certain pur-  
poses.

(29) Where a rule or order is made for the production by the said secretary-treasurer of any document in his possession relating to a specified election, the production of the document by him, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any indorsement appearing on any packet of ballot papers produced by the said secretary-treasurer, shall be evidence of such papers being what they are stated to be by the indorsement.

Offences.

(30)—(a) No person shall—(1) Without due authority supply any ballot paper to any person; or (2) fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or (3) fraudulently take out of the polling place any ballot paper; or (4) without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or (5) apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a







fictitious person; or (6) having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applied for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

- (b) No person shall attempt to commit any offence specified in this subsection. Attempts to commit offences.
- (c) A person guilty of any violation of this subsection shall be liable, if he is such secretary-treasurer, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months, with or without hard labour. Penalty by imprisonment.

(31) Every officer and secretary-treasurer who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of any of the preceding subsections of this section, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. Money penalty for offences.

(32)—(a) Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling places.

(b) No officer or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(c) No officer, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(d) Every officer and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.









(e) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

Penalty for  
contravening  
this sub-  
section.

(f) Every person who acts in contravention of this subsection shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Statutory  
declaration of  
secrecy.

(33) Every such secretary-treasurer, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes shall, before the opening of the poll, make a statutory declaration of secrecy in the presence of a Justice of the Peace, and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form given in Schedule F to this Act, or to the like effect.

No one com-  
pellable to dis-  
close his vote.

(34) No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted.

Candidates  
may under-  
take duties of  
an agent.

(35) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot under subsection 16.

Expressions  
referring to  
agents.

(36) When in any of the preceding subsections of this section expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time or place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done.

Non-attend-  
ance of agents.

Public holi-  
days, etc.,  
excluded in  
reckoning  
time, except  
for nomination  
and election of  
trustees.

(37) In reckoning time for the purposes of this section, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving, shall be excluded; and where anything is required by this section to be done on a day which falls on such days, such things may be done on the next judicial day; but nothing in this







section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the office of trustee.

(38) No election shall be declared invalid by reason of a non-compliance with the rules contained in this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election.

No election to be invalid for want of compliance with principles of Act where result not affected.

(39) The reasonable expenses incurred by any such secretary-treasurer and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this section, and reasonable fees and allowances for services rendered under this section, shall be paid by the board of trustees through its secretary-treasurer, who shall pay over and distribute the same to the several persons entitled thereto.

Expenses incurred by officers to be refunded.

(40) In case any objection is made to the right of any person to vote under the provisions of this section, the returning officer shall require the person whose right of voting is objected to to make the following oath or affirmation:

Oath to be administered when voters objected to.

You swear (or solemnly affirm) that you are the person named (or intended to be named), in the list of voters now shown to you (showing the list to the voter);

Form of oath.

That you are a ratepayer;

That you are a British subject by birth (or naturalization);

That you are of the full age of twenty-one years;

That you are a separate school supporter;

That you have not voted before at this election;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God.









## DUTIES OF BOARD.

Duties of  
board.

**33.** It shall be the duty of the board of trustees of every urban school:

To appoint  
secretary and  
collector.

1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge;

(a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties, and have powers similar to those of like officers in the municipality;

To provide  
adequate  
accommoda-  
tion.

2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year;

To provide  
school pre-  
mises, appa-  
ratus, prize books  
and library.

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the schoolhouses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books, and, if they deem it expedient, establish and maintain school libraries;

Kind of  
schools.

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform;

To lay before  
Council esti-  
mate for  
moneys.

5. To prepare from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge;

To appoint a  
committee for  
each school.

6. To appoint of their number annually, or oftener, if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under their charge are conducted according to the authorized regulations;

Trustees may  
collect a fee  
from parents.

7. To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per month per pupil, to defray the cost of text-books, stationery and









other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books; To see that uniform books are used.

8. To give orders on the treasurer of the separate school board for all moneys expended for school purposes. To give orders for moneys expended.

9. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report, signed by the chairman, containing all information required by the regulations of the Education Department. R. S. O. 1887, c. 227, s. 32. To prepare annual report for Minister.

33a. It shall be the duty of the board of trustees of every urban school and they shall have power, to take possession of all property which has been acquired or given for separate school purposes and to hold the same according to the terms in which it was acquired or received, and to dispose by sale or otherwise, of any school site or property or any part thereof not required in consequence of a change of site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act. Powers of urban boards as to disposing of property no longer required.

#### SEPARATE SCHOOLS FIFTH CLASSES AND CONTINUATION SCHOOLS.

2. Subject to the Regulations of the Department of Education, the Separate School Board of any municipality, section or union section in which there is no high school shall have all the powers, duties and obligations conferred and imposed by *The Public Schools Act* and its amendments upon the public school corporation of any municipality, section or union section in which there is no high school, respecting the establishment and maintenance of continuation schools and fifth classes. Continuation schools and fifth classes.

1 Edw. VII., c. 39.

3. The qualification of teachers of continuation schools and fifth classes in connection with separate schools shall be determined, however, under subsection 5 of section 8 of *The Public Schools Act* as amended by 6 Edw. VII. c. 53, s. 4, as if the date therein mentioned were the 17th day of March, 1902, instead of the 15th day of April, 1901. Qualification of teachers in continuation schools.

1 Edw. VII., c. 39.

4. The county council shall pay for the maintenance of continuation schools and fifth classes in connection with separate schools within the county, a sum equal to the legislative grant appropriated by the Minister of Education for such schools and classes and any further sums the said council may deem expedient. Maintenance of continuation schools and fifth classes.

5. The Department of Education may make provision by Regulation for carrying out the intention of this Act of placing continuation schools and fifth classes in connection with public and separate schools on the same basis, except as herein otherwise provided. Regulations.







## TEACHERS.

34. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O. 1887, c. 227, s. 33. Valid agreement with teacher.

35. It shall be the duty of every teacher of a separate school:— Duties of teacher.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Education Department; To teach according to law.

2. To keep in the prescribed form the general, entrance and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school; To keep the register of the school.

3. To maintain proper order and discipline in his school, according to the prescribed regulations; To maintain order and discipline.

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present the book to every visitor, and request him to make therein any remarks suggested by his visit; To keep a visitors' book.

5. To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school; To give access to register and visitors' book.

6. To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustees employing him; Deliver up register and key.

7. In case of his wilful refusal so to do, he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the trustees; In case of refusal.









To hold public  
quarterly  
examinations.

8. To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians;

To furnish in-  
formation to  
the Minister  
and Inspector.

9. To furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it may be in his power to give, respecting anything connected with the operations of his school, or in anywise affecting its interest or character;

To prepare  
reports.

10. To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. R. S. O. 1887, c. 227, s. 34.

Certificates to  
teachers of  
separate  
schools.

36. The teachers of a separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of *The British North America Act, 1867*, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. R. S. O. 1887, c. 227, s. 61.

Proportion of  
salary to which  
teacher is  
entitled.

37. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. R. S. O. 1887, c. 227, s. 35.

Case of sick-  
ness.

Four weeks  
allowed.

38. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. R. S. O. 1887, c. 227, s. 38.

Protection of  
teachers in re-  
gard to salary.

39. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O. 1887, c. 227, s. 39.

Provision in  
case of differ-  
ence between  
teacher and  
trustees.

40. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of





See also  
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History  
of the  
State

the County Court in each county, subject to an appeal, as provided by this Act. R. S. O. 1887, c. 227, s. 36.

41. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. 1887, c. 227, s. 37. Issue of execution.

#### ASSESSMENTS.

42.—(1) Every person paying rates, whether as owner or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and the notice shall not be required to be renewed annually. R. S. O. 1887, c. 227, s. 40. Supporters of separate schools exempted from payment of public school rates on giving certain notices.

(2) Where the owner or tenant is not, on or before the first day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, but he subsequently becomes so resident, or liable to be so rated, before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the said time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March, of the year in which it is given. 53 V., c. 71, s. 8, *part*; 60 V. c. 15, *Sched. B.* (19). Time for giving notice by separate school supporters becoming resident in a municipality.

(3) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice, to the effect that the same has been given, and shewing the date thereof. R. S. O. 1887, c. 227, s. 41. Certificate of notice.

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of \$40, recoverable, with costs, before any Justice of the Peace at the suit of the municipality interested. R. S. O., c. 227, s. 42. Penalty for wilful false statements in notice.











MEMORANDUM.

Section 44 of the Separate Schools Act  
be amended by striking out "after the first  
day of January 1907" in the second and  
third lines, and all after "section" in the  
7th and 8th line, and adding "While he was  
a supporter of the school, but nothing herein  
shall be construed as requiring any rate-  
payer to change his support, if by such action  
he becomes liable for two debenture debts,  
nor shall a rate-payer be required to change  
his support from a school in the section or  
urban municipality where he resides to one  
in another section or urban municipality.







Exemption as to rates imposed before separate school established.

(5) Nothing in this section contained shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. R. S. O. 1887, c. 227, s. 43.

Residence of supporters of separate schools.

43. Subject to the other provisions of this Act, no person shall be deemed a supporter of a separate school unless he resides within three miles (in a direct line) of the site of the school house. R. S. O. 1887, c. 227, s. 44.

Where separate school supporter resides within three miles of two or more schools.

44. Any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be *ipso facto* a supporter of the separate school nearest to his place of residence; but nothing herein contained shall affect the liabilities or obligations of any separate school supporter for debts incurred by the school section of which he was a supporter before the 7th day of April, 1896. 59 V., c. 72, s. 3.

Where person residing out of municipality to vote.

45. When a supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. R. S. O. 1887, c. 227, s. 45.

Non-residents may require school tax to be appropriated to a separate school.

Rev. Stat. c. 224.

46. Any person, who, if resident in a municipality, would be entitled to be a supporter of a separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school, shall be assessed for the purposes of the separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and the land shall be assessed accordingly for the purposes of the separate school and not for public school purposes. R. S. O. 1887, c. 227, s. 46.

Persons with-drawing support from separate school to give notice.

47.—(1) Any Roman Catholic who desires to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year; otherwise he shall be deemed a supporter of the school.

Proviso.

(2) But any person who has withdrawn his support from a Roman Catholic separate school shall not be exempted







2000  
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Hand

from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. R. S. O. 1887, c. 227, s. 47.

48.—(1) The clerk of every municipality shall keep entered in a convenient Index Book, and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic, and a supporter of a separate school in or contiguous to the municipality, as provided by section 42 of this Act, or by previous Acts respecting separate schools; the clerk shall also enter opposite the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 47 of this Act, or by any such other Act as aforesaid, with the date of such withdrawal; or any disallowance of the notice of the Court of Revision or County Judge, with the date of such disallowance. The Index Book may be in the form set out in Schedule G to this Act, and shall be open to inspection by ratepayers.

Index Book of supporters of separate schools to be kept by clerk.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received. 53 V. c. 71, s. 1.

(4) The assessor shall be guided by the entries in said Index Book in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic Separate Schools to exemption from the Public School tax. 53 V. c. 71, s. 3; 55 V. c. 48, s. 47b. See also Rev. Stat., c. 224, s. 54.

Assessor to be guided by Index Book.

49.—(1) The assessor or assessors of every municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under *The Public Schools Act*.

Duty of assessors.

Rev. Stat. c. 292.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, by his authority, and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman

Statement as to religion.









Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. 1887, c. 227, s. 48 (1) and (2); 53 V. c. 71, s. 4. *See also Rev. Stat. c. 224, s. 13 (5).*

Court of  
Revision to  
decide com-  
plaints.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the clerk of the municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O. 1887, c. 227, s. 48 (3).

Rev. Stat.  
c. 224.

Correction of  
mistakes in  
assessing  
separate school  
supporters.

50.—(1) In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools, or supporters of public schools, it shall be competent for the municipal council after due inquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the Court of Revision or the County Court Judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly. 53 V., c. 71, s. 5.

Collector's  
roll—further  
columns.

51. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts." shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R. S. O. 1887, c. 227, s. 49. *See also Cap. 224, sec. 129.*

Return shew-  
ing rating of  
separate school  
supporters.

52. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such rate has been so placed upon the roll, giving a list of such supporters with







the amount so rated against each, and the total amount so rated. R. S. O. 1887, c. 227, s. 50. See also Cap. 292, sec. 68.

53. In any case where under section 24 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then the occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rates are not the same he shall only be liable to pay the amount of the rate of the schools to which in virtue of his right in that behalf he directed his money to be paid. R. S. O. 1887, c. 227, s. 61; 55 V. c. 60, s. 1.

On request primarily liable for school rates (s. 50)

227 - 21

54.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the business assessment or other assessments of such company made under *The Assessment Act*, to be entered, rated and assessed for the purpose of the said separate school, and the proper assessor shall thereupon enter the said company as a separate school supporter in the assessment roll in respect of the real property and business or other assessments, if any, specially designated in that behalf in or by the said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the real property and business or other assessments, if any, as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other real property and the remainder of the business or other assessments of the company shall be separately entered and assessed in the name of the company as for public school purposes; provided always that the share or portion of the real property and business or other assessments of any company, entered, rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole of the assessment for real property, business or other assessments of any company within the municipality, as the amount or proportion of the shares or stock of the company, so far as the same are paid, or partly paid up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid-up shares or stock of the company.

Companies may require school rate to be applied to separate schools

(2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk (describing the municipality),

I Take notice that (here insert the name of the company so as to sufficiently and reasonably designate it) pursuant to a resolution in that behalf of the directors of the said company requires that hereafter and until this notice is either withdrawn or varied so much of the whole of the assessment for real property, and business or other assessments of the company within (giving the name of the municipality) and hereafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (or as the case may be) of all real property of the said company liable to assessment in the said municipality and one-fifth (or as the case may be) of the business or other assessments of the said company in the said municipality.

Given on behalf of the said company this (here insert date).

R. S., Secretary of the said Company









(3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(4) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices which may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(5) The word "company" in this section shall mean and include any body corporate.

55.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting the school rates or subscriptions, have all the powers in respect of separate schools that the collectors of taxes in municipalities have and possess under the provisions of *The Municipal Act*.

Powers of trustees.

(2) If the collector appointed by the trustees of a separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of such parcels of land and the uncollected rates thereon.

Location in which there are no persons resident to be assessed to school rates.

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of such lands, and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The township, village, town or city council in which the separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. R. S. O. 1887, c. 227, s. 53.

56. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any one of the trustees or their authorized collector to make a copy of the roll in so far as it relates to the persons supporting the separate school under their charge. R. S. O. 1887, c. 227, s. 54.

Trustees may copy assessor's roll of municipality.

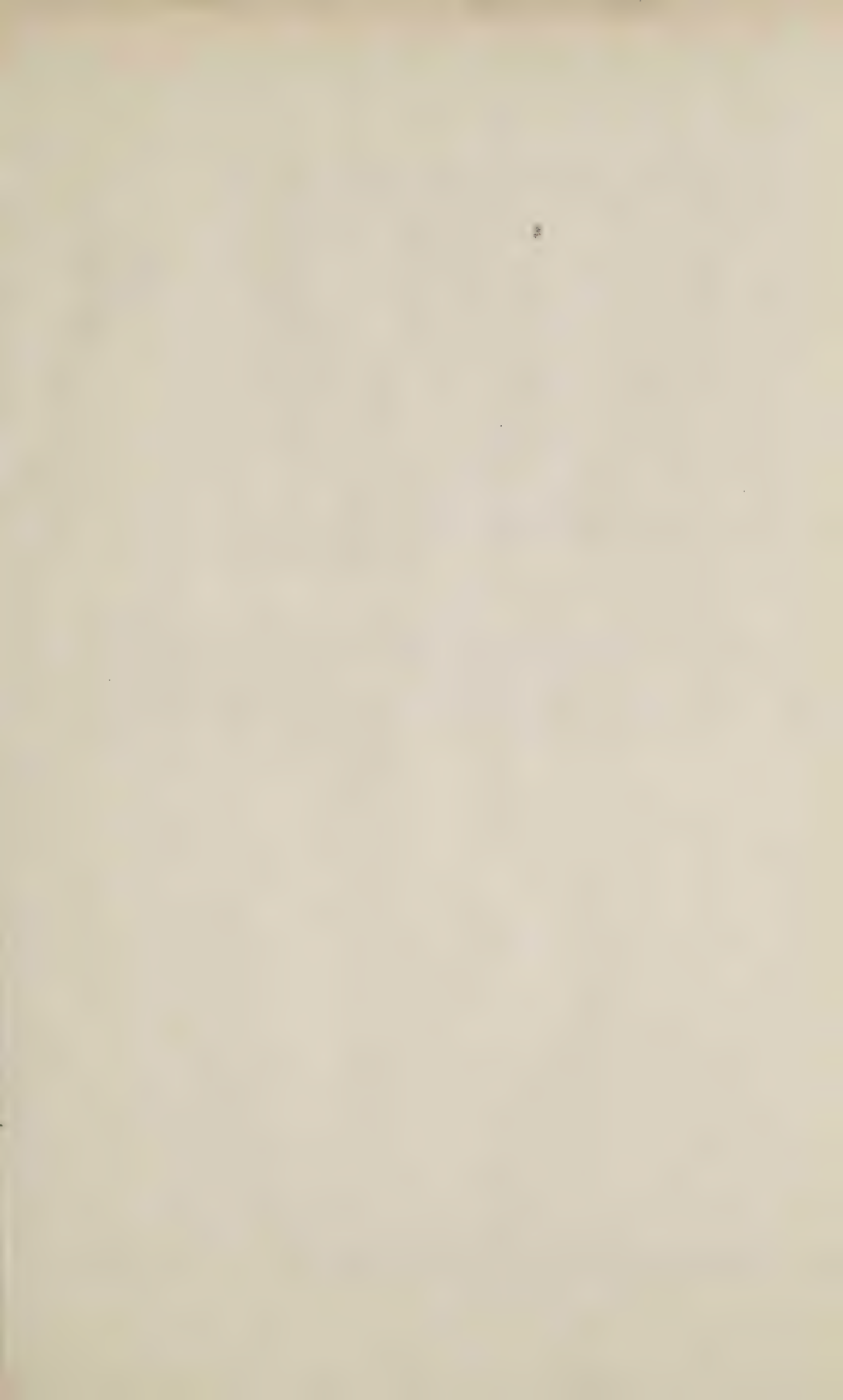
57. The clerk of every municipality in which there is a separate school shall, once in each year, upon the written request of the trustees of such separate school, deliver to them a statement in writing, showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 42 of this Act, with the amount for which each person has been rated upon the assessment roll. 53 V. c. 71, s. 9.

Clerk to give trustees statement of names of persons supporting separate schools.

58. It shall be the duty of every municipal council, if so requested by the trustees of a separate school at or before the meeting of the council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and the council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collect-

Collection of school rates.







ed, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. R. S. O. 1887, c. 227, s. 55.

Dates for giving certain notices where taxes collected on assessment of preceding year.

58a. In any municipality in which the assessment is taken under a by-law passed under section 58 of *The Assessment Act*, and at such times as the said assessment is taken for the ensuing year, the notices required to be given under subsection 1 of section 42 of this Act shall be given on or before the fifteenth day of July in any year, and the notice required to be given under subsection 1 of section 47 of this Act shall be given on or before the fourth Wednesday in May in any year; the request referred to in section 58 of this Act, after the year 1904, shall, if given, be given at such time provided in section 58 or prior thereto as may be required by such municipal corporation: and in subsection 2 of section 42 of this Act the words "first day of March" in the second and ninth lines thereof shall be read "fifteenth day of July."

#### MISCELLANEOUS.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

59. Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes; provided always, that if in and for any year the rate in the dollar of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes, then the agreement shall not be in force or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party. R. S. O. 1887, c. 227, s. 56.

Proviso.

Distribution of county rate.

60. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by the clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed and rated, and it shall be the duty of the treasurer or sub-treasurer to pay over the same. R. S. O. 1887, c. 227, s. 57.

Borrowing powers of

61.—(1) The trustees of a separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the said rates or property shall,









while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the loan.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other separate school rates may now be levied and collected.

(3) The mortgages and other instruments which the trustees have power to make, as aforesaid, for the security and payment of money borrowed or payable for school purposes may, in the discretion of the trustees, be made in the form of debentures; and debentures shall be a charge on the same property and rates aforesaid, as in the case of mortgages thereof made by the trustees, as in subsection 1 mentioned.

(4) Every by-law of the trustees for the issue of such debentures shall be sealed with the corporate seal of the board of trustees, and shall be signed by the chairman and secretary of the board, and the by-law may be quashed by application to the High Court at Toronto, in the same way as municipal by-laws may be quashed. R. S. O. 1887, c. 227, s. 58 (1-4).

(5) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect, and shall state the whole of the debt and the obligations to be issued thereunder, and shall make the same payable in thirty years at furthest from the day on which the by-law takes effect and shall provide for including thereafter in the yearly separate school rate a sufficient sum for the payment of an amount sufficient to pay the yearly interest during the currency of the debentures, and also a certain specific sum to be realized annually for the payment of the principal, which specific sum shall be sufficient with the estimated interest on the investments thereof to discharge the debt when payable. R. S. O. 1887, c. 227, s. 58 (5); 59 V. c. 72, s. 1.

(6) Every such by-law, before being acted upon, shall be published for at least three successive weeks in some public newspaper published weekly, or oftener, in the







city, town or county in which the separate school is situate, and if no application to quash the by-law is made for three months after the publication thereof as aforesaid, the by-law shall, as in the case of a municipal by-law, be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

Amounts of  
debentures.

(7) The debentures issued under the by-law may be for such amounts as the trustees may deem expedient, and shall be in the form set out in Schedule H to this Act.

(8) Nothing contained in the preceding five subsections shall be deemed to declare or imply any construction of any statute or of any provision thereof, passed prior to the twentieth day of April, in the year 1887, or as declaring or implying that the trustees have not theretofore power to make and issue debentures for the security and payment of money borrowed or payable for school purposes. R. S. O. 1887, c. 227, s. 58 (6-8).

Separate  
schools  
entitled to a  
share of the  
public grant.

62. Every separate school shall be entitled to share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to share in all other public grants, investments and allotments for public school purposes now made or hereafter to be made by the Province or the municipal authorities, according to the average number of pupils attending the school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R. S. O. 1887, c. 227, s. 59.

But not to any  
share of local  
assessment for  
public schools.

63. Nothing herein contained shall entitle a separate school within any city, town, incorporated village or township to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village or township, or the county or union of counties within which the city, town, village or township is situate. R. S. O. 1887, c. 227, s. 60.

Return to be  
transmitted by  
trustees.

64. The trustees of every separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending the school, together with the average attendance during the next preceding six months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of the separate school are entitled to receive out of the legislative grant, and shall pay









over the amount thereof to the trustees. R. S. O. 1887, c. 227, s. 62.

65. The Minister of Education, all Judges, Members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. R. S. O. 1887, c. 227, s. 63.

66. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R. S. O. 1887, c. 227, s. 64.

67. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the Department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education deems it expedient, he may recommend for appointment by the Lieutenant-Governor in Council, some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and such person shall possess and discharge the like powers and duties as the other members of the board. R. S. O. 1887, c. 227, s. 65.

68. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established, it shall be lawful for the trustees of the separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of the board in regard to any matters affecting the public school. R. S. O. 1887, c. 227, s. 66.

69. In the event of a disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, or in the event of a protest against the election of a rural school trustee, or other proceedings of a rural school meeting, made in writing and signed by five supporters of the separate school concerned, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject nevertheless to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. R. S. O. 1887, c. 227, s. 67.







## SUPERANNUATION.

Superannuation fund.

70. Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually. R. S. O. 1887, c. 227, s. 68.

Repayment to wife, etc., of deceased teacher.

71. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. R. S. O. 1887, c. 227, s. 69.

Right of teacher to retire on reaching sixty years of age.

72.—(1) Every teacher or inspector who, while engaged in his profession, contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

Supplementary pension.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure.

Application of section.

(3) To remove doubts, nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund. R. S. O. 1887, c. 227, s. 70.

Teachers under sixty.

73. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. 1887, c. 227, s. 71.

Extra allowance to certain teachers.

74. Every teacher entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to the said allowance or pension be entitled to receive a further allowance at the rate of \$1 per annum for every year of









service while he held such certificate, or while he acted as head master of a high school or collegiate institute. R. S. O. 1887, c. 227, s. 72.

75. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. 1887, c. 227, s. 73.

Proviso in regard to good moral character.

76. If any pensioned teacher or inspector, with the consent of the Education Department, resumes the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O. 1887, c. 227, s. 74.

Teacher resuming profession.

77. In case any pensioned teacher or inspector is again placed on the superannuation list, a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. 1887, c. 227, s. 75.

Again retiring.

78. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. R. S. O. 1887, c. 227, s. 76.

Forfeiture of claim.

79. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 70 or 80 of this Act, the provisions of sections 71 to 80 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. R. S. O. 1887, c. 227, s. 77.

Teachers not availing themselves of Act.

80. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. R. S. O. 1887, c. 227, s. 78.

Repayment to contributors.

#### HOLIDAYS.

81.—(1) The teaching year shall consist of two terms; Terms. in townships the first term shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.







(2) In cities, towns and incorporated villages the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in separate schools.

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. 59 V., c. 72, s. 2.

#### PENALTIES AND PROHIBITIONS.

Penalty for making a false declaration.

82. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than \$5, or more than \$10, to be recovered, with costs, before a Justice of the Peace, by the separate school trustees of the city, town, village or school section for its use. R. S. O. 1887, c. 227, s. 80.

Trustees not to hold certain offices.

83. No trustee of a separate school shall hold the office of separate school inspector, or be a master or teacher in the separate school of which he is a trustee; nor shall the master or teacher of any public, high or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R. S. O. 1887, c. 227, s. 81.

Seat vacated by conviction for crime, etc.

84. Any trustee who is convicted of any indictable offence, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and forthwith order a new election. R. S. O. 1887, c. 227, s. 82.

Seat vacated by interest in contract with corporation.

58. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name, or the name of another with the corporation of which he is a









member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. 1887, c. 227, s. 83.

86. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any separate school established and conducted under its authority or other school by rude or indecent behaviour or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town or village within which the offence is committed, a sum not exceeding \$20, together with the costs of the conviction, as the said Justice may think fit. R. S. O. 1887, c. 227, s. 84.

87. If a person chosen as trustee refuses to serve, he shall forfeit the sum of \$5. R. S. O. 1887, c. 227, s. 85.

Penalty for disturbing a school or school meeting.

Penalty for refusing to serve as trustee.

87. If a person chosen as trustee refuses to serve, he the office, and who at any time refuses, or neglects to perform its duties, shall forfeit the sum of \$20, to be recovered before a Justice of the Peace, by the trustees of the school section, or by any person whosoever for its use, as authorized by this Act. R. S. O. 1887, c. 227, s. 86.

Penalty for refusing to perform duties.

89. If the trustees of a separate school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. 1887, c. 227, s. 87.

Penalty for refusing to exercise corporate powers.

90. If the trustees of a separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. 1887, c. 227, s. 88.

Liability for neglect to take security.

91. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against

Responsibility in case of lost school money







the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them, by the person entitled to receive the same, by action, in any Court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. 1887, c. 227, s. 89.

Penalty on secretary-treasurer or trustee for refusing to account.

92.—(1) No secretary-treasurer appointed by the trustees of a separate school, and no person having been such secretary-treasurer, and no trustee or other person who has in his possession any books, papers, chattels or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of the trustees then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for shall be punishable, as provided in the following three sections of this Act.

Order for appearance.

(2) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two supporters of the separate school, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order.

Service of order.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R. S. O. 1887, c. 227, s. 90.

Order to account, etc.

93. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O. 1887, c. 227, s. 91.

Effect of non-compliance with Judges' order.

94. In the event of a non-compliance with the terms specified in the order, or any, or either of them, the Judge shall order such person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain, without bail, until the Judge is satisfied that the









person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. 1887, c. 227, s. 92.

95. No such proceeding shall impair or affect any other remedy which the trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. 1887, c. 227, s. 93. Other remedy not affected.

96. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information which are in their power, and are required of them relative to their school accounts; and any contravention of this section, upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. 1887, c. 227, s. 94. Penalty on trustees refusing information, etc., to auditors.

97.—(1) In case the trustees of a separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months. Penalty for neglect to send half-yearly returns.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. 1887, c. 227, s. 95.

98. In case the trustees of a separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of \$5, to be sued for by any supporter of such separate school and collected and applied in the manner provided by this Act. R. S. O. 1887, c. 227, s. 96. Penalty for delaying yearly report.

99.—(1) If a trustee of a separate school knowingly signs a false report, or if a teacher of a separate school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of Penalty for false school reports and registers.







school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of the separate school the sum of \$20, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Recovery by  
distress.

(2) If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied, with costs, by distress and sale of the goods and chattels of the offender.

Application  
of penalty.

(3) The penalty, when so paid or collected, shall by the Justice be paid over to the said separate school. R. S. O. 1887, c. 227, s. 97.

Trustees per-  
sonally respon-  
sible for  
moneys lost.

**100.**—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R.S.O. 1887, c. 227, s. 98.

#### HOW FINES AND PENALTIES MAY BE RECOVERED.

Recovery of  
penalties.

**101.**—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be recovered, with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town or village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the separate school, city, town or village, or other party entitled thereto.

(3) In default of such distress the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same are sooner paid. R. S. O. 1887, c. 227, s. 99.









*Approved 20th June 1907*

An Act respecting the Qualifications of  
Certain Teachers.

HIS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Except as by this Act and by section 36 of *The Separate Schools Act* otherwise provided, all members of Religious and Educational Communities hereafter appointed as teachers in the Roman Catholic Separate Schools shall possess the same qualifications as may be required from time to time in the case of Public School teachers.

Qualification  
of teachers in  
Roman Catholic  
Separate  
Schools.  
Rev. Stat. c.  
294.

2. On proof satisfactory to the Minister of Education the Department of Education may grant permanent professional certificates, valid in the Roman Catholic Separate Schools, to persons belonging to Religious and Educational Communities who, prior to the first day of July, 1907, have had not less than seven years' experience in teaching, of which at least five years shall have been in Public or Roman Catholic Separate Schools in Ontario; provided that such person shall, on or before the 31st day of December, 1908, have completed to the satisfaction of the Minister of Education, at least one summer session of professional training of at least four weeks' duration, in accordance with the Regulations of the Department of Education.

Granting per-  
manent cer-  
tificates to  
persons who  
have had sev-  
en years' ex-  
perience in  
teaching.

Proviso.

3. On proof satisfactory to the Minister of Education, the Department of Education may grant Third Class Professional Certificates of qualification to persons belonging to Religious and Educational Communities who, prior to the first day of July, 1907, have had not less than three years' experience in teaching in Public or Roman Catholic Separate Schools of Ontario; provided that each such person shall, on or before

Third-class  
certificates to  
persons who  
have had three  
years' experi-  
ence in teach-  
ing.

the 31st day of December, 1909, have passed the academic and professional examinations prescribed for Third Class Professional Certificates, and that each such person shall have completed one summer term of professional training, of at least four weeks' duration, in accordance with the regulations of the Department of Education.

Second-class certificates may be granted to persons having five years' experience.

4. On proof satisfactory to the Minister of Education, the Department of Education may grant Second Class Professional Certificates of qualification to persons belonging to Educational and Religious Communities who, prior to the first day of July, 1907, shall have taught at least five years in Public or Roman Catholic Separate Schools of Ontario, provided that each such person shall, on or before the 31st day of December, 1911, have passed the academic and professional examinations prescribed for Second Class Professional Certificates, and shall have completed two summer terms of professional training of at least four weeks each, in accordance with the regulations of the Department of Education.

Proviso.

Examinations required to be passed by other candidates for certificates.

5. Except in the cases hereinbefore mentioned, all other members of the Religious and Educational Communities now teaching in Roman Catholic Separate Schools, shall pass the same professional and academic examinations as may be prescribed from time to time for Public School teachers, and shall undergo the same professional training and be granted certificates of qualification on the same terms as Public School teachers, in accordance with the provisions of section 7 of this Act.

Time within which persons mentioned in sections 2, 3 and 4 must qualify.

6. Those persons whose cases are provided for in sections 2, 3 and 4 hereof, who, on or before the first day of July, 1907, shall have submitted the evidence required under the said sections whose professional competency shall have been attested on or before the first day of July, 1907, by the Provincial Inspector who last inspected their teaching, and who shall have signified in writing to the Minister of Education on or before the said date their intention to comply with the requirements in the said sections contained, as the case may be, shall, on the approval of the Minister of Education, be legally qualified teachers for the Roman Catholic Separate Schools until the 31st day of December, 1908, or the 31st day of December, 1909, or the 31st day of December, 1911, as the case may be.

Other teachers may continue until time for examination expires.

7. All persons whose cases are provided for in section 5 of this Act, whose professional competency shall have been attested on or before the first day of July, 1907, by the Provincial Inspector who last inspected their teaching, and who shall have signified in writing to the Minister of Education on or before the said date their intention to comply with the conditions set forth in section 5 of this Act, shall





be legally qualified teachers for the Roman Catholic Separate Schools of Ontario, in the case of candidates for third and for second class professional certificates respectively, until the 31st day of December, 1909 and 1911, as the case may be.

8. No person shall be granted a certificate of qualification as a teacher in a Public or a Roman Catholic Separate School under this Act who is not a British subject. Certificates to be granted only to British subjects.

9. The provisions of this Act shall also apply to Public Schools in which either English and French, or English and German are the languages of instruction, as provided for in the regulations of the Department of Education. Application of Act to teachers in French and German Schools.

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10. The Minister of Education in special cases, may, Minister of Education may extend time for certain separate school teachers to qualify. whether such times have elapsed or otherwise, extend the time limited in this Act for qualifying as provided in sections 3, 4, 6 and 7 for a period not exceeding two years beyond the times respectively mentioned in such sections.

*Amended  
10/3/1909*

3rd Session, 11th Legislature,  
7 Edward VII., 1907.

BILL.

An Act respecting the Qualifications of  
certain Teachers.

First Reading, 26th March, 1907.  
Second Reading, 27th March, 1907.  
Third Reading, 16th April, 1907.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,  
Printer to the King's Most Excellent Majesty.







### FORM OF BALLOT PAPER.

<p>Election for Separate School Trustee for the Ward, of the day of January, 18.</p>	<p><b>ARGO.</b></p> <p>James Argo, City of Gentleman.</p>
	<p><b>BAKER.</b></p> <p>Samuël Baker, City of Baker.</p>
	<p><b>DUNCAN.</b></p> <p>Robert Duncan, City of Printer.</p>

<p>Election for Separate School Trustees for the Village of _____, held the _____ day of January, 18 ____.</p>	<p><i>FOR SEPARATE SCHOOL TRUSTEE.</i></p> <hr/> <p style="text-align: center;"><b>BULL.</b></p> <p>John Bull, of the Village of _____ Butcher.</p> <hr/> <p style="text-align: center;"><b>JONES.</b></p> <p>Morgan Jones, of the Village of _____ Grocer.</p> <hr/> <p style="text-align: center;"><b>McALLISTER.</b></p> <p>Allister McAllister, of the Village of _____ Tailor.</p> <hr/> <p style="text-align: center;"><b>O'CONNELL.</b></p> <p>Patrick O'Connell, of the Village of _____ Milkman.</p>
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# SCHEDULE B.

(Section 32 (9).)  
 FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Householder, Tenant, or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	REMARKS.
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## SCHEDULE C.

(Section 32 (16) (c).)

## FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of, named in the voters' list for ward No. , in the City (or as the case may be) of , being a legally qualified elector for the election of a separate school trustee for the said ward (or as the case may be), do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a voting paper, as the case may be).

The day of , A.D. 18 (A. B. His X Mark).

57 V. c. 59, s. 4; Sched. C.

## SCHEDULE D.

(Section 32 (16) (c).)

## FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the returning officer for ward No. , for the City (or as the case may be) of , do hereby certify that the above (or as the case may be) declaration, having first been read to the above-named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,  
Returning Officer for Ward  
No. , in the City,  
(or as the case may be) of

Dated this day of , A.D. 18 .  
57 V. c. 59, s. 4; Sched. D.

## SCHEDULE E.

(Section (32) (22) (b).)

## OATH OF RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, C. D., the undersigned returning officer for Ward No. , of the City (or as the case may be), of do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm), that to the best of my knowledge the annexed voters' list used in and for the said Ward No. of the said City (or as the







*case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed)

C. D.,  
Returning Officer.

Sworn (or affirmed) before me at , this  
day of , A.D. 18

(Signed)

X. Y.,  
Justice of the Peace.

NOTE.—The foregoing oath is to be annexed to the voters' list used at the election.

57 V. c. 59, s. 4; Sched. E.

## SCHEDULE F.

(Section (32) (22) (b).)

### FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that I will not at this election of a Separate School Trustee for the ward of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of  
A.D. 18

C. D.,

Justice of the Peace.

57 V. c. 59, s. 4; Sched. F.

## SCHEDULE G.

(Section 48).

### FORM OF INDEX BOOK FOR ROMAN CATHOLIC SEPARATE SCHOOL SUPPORTERS.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John .....	3rd February, 18 ..	Notice of withdrawal received 1st January, 18 .. Disallowed by Court of Revision 1st June, 18 ..
Ardagh, Joseph...	3rd February, 18 ..	
Ashbridge, Robert.	3rd February, 18 ..	









## SCHEDULE H.

(Section 61 (7).)

## FORM OF DEBENTURE.

Province of Ontario.

No.....

Debenture of the Board of Trustees of the Roman Catholic Separate Schools for (or other corporate name of the Board, as the case may be),

The Board of Trustees of the Roman Catholic Separate Schools for (or other corporate name of the Board, as the case may be), hereby promise to pay to bearer at the Bank of , at , the sum of dollars of lawful money of Canada, in years from the date hereof, and to pay interest at the rate of per cent. per annum half-yearly to the bearer of the annexed coupons respectively upon the presentation thereof at the said Bank.

Issued this day of , by virtue and under authority of *The Separate Schools Act*, and pursuant to by-law number of said Board of Separate School Trustees, passed on the day of , 18 , entitled a by-law to raise by way of loan the sum of dollars for the purposes therein mentioned, bearing date the day of , 18 .

C. D.

Secretary-Treasurer.

A. B.,

Chairman.

Coupon No.....

The Board of Trustees of the Roman Catholic Separate School for (or other corporate name) will pay bearer at the Bank of , at , on the day of , 18 , the sum of dollars, interest due on that day on Debenture No.

R.S.O. 1887, c. 227, s. 58 (7), part.







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Statutes  
Ont

250627  
Ontario. Statutes  
The "Acts respecting  
separate schools. 1907.

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